

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ERIC STEPHEN PARNELL

§

v.

§

CIVIL ACTION NO. 9:08cv192

DIRECTOR, TDCJ-CID

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Petitioner Eric Parnell, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division, filed this application for the writ of habeas corpus complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On November 19, 2008, the Magistrate Judge issued a Report recommending that Parnell's motion to proceed *in forma pauperis* be denied and that he be required to pay the filing fee of \$5.00. Parnell did not file objections to the Report, but has now paid the fee.

The Court has reviewed the Report of the Magistrate Judge and has determined that it is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* (docket no. 5) is DENIED. Because the Petitioner has paid the full filing fee, the denial of this motion shall not affect the proceedings in this case.

SIGNED this the 18 day of **February, 2009.**



Thad Heartfield
United States District Judge